

INTER-OFFICE COMMUNICATION FROM

THE OFFICE OF

CLERK OF THE BOARD OF COUNTY COMMISSIONERS

SEP 29 1987

DATE: September 28, 1987

TO: Jan Winters, County Administrator  
Lisa Heasley, County Attorney's Office  
Chip Carlson, Asst. Co. Attorney  
David Bludworth, State Attorney  
Joy Shearer, Asst. Attorney General  
Jerry Nolan, Sheriff's Office-Admin.  
John Lehner, PZ&B  
Bob Palchanis, Building Division  
Patty Young, 4th Dist. Ct. of Appeals  
Law Library  
County Library (2)  
Pinky Yount, PBC Municipal League, Inc.  
1708 N. Lakeside Drive, Lake Worth, FL 33460  
Judge Harrison, South County Courthouse  
Judge Clark, South County Courthouse  
Haney Frakes, Asst. County Engineer  
Joe Bergeron, Fiscal Management/Engineering  
Traffic Division, Engineering

FROM: John W. Dame  
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION  
ORDINANCE NO. 87-18

TITLE REFERENCE:

AN ORDINANCE OF THE BCC OF PBC, FL, IMPLEMENTING THE  
GOALS, POLICIES, OBJECTIVES, & STANDARDS OF THE  
COMPREHENSIVE PLAN OF PBC, FL INCLUDING THOSE OF  
PERFORMANCE STANDARD #3, "MAJOR THOROUGHFARES" BY  
ADOPTING A TRAFFIC PERFORMANCE STANDARDS CODE...

Attached is a copy of the above referenced Ordinance of Palm  
Beach County. This Ordinance has been filed with Florida  
Department of State and forwarded to Municipal Code Corporation  
for codification. The effective date is September 25, 1987.

JWD:lc  
attachment

cc:\* Commissioners, BCC  
Clerk of BCC  
Minutes

\* If a copy of ord. is needed please advise Ms. Lorie Clinger,  
Finance Department at 820-2959.



ORDINANCE NO. 87-18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, IMPLEMENTING THE GOALS, POLICIES, OBJECTIVES, AND STANDARDS OF THE COMPREHENSIVE PLAN OF PALM BEACH COUNTY, FLORIDA, INCLUDING THOSE OF PERFORMANCE STANDARD NUMBER THREE, "MAJOR THOROUGHFARES" BY ADOPTING A TRAFFIC PERFORMANCE STANDARDS CODE DETAILING THE APPLICABILITY AND STANDARD OF PERFORMANCE STANDARD NO. 3, BY SETTING FORTH PROCEDURES AND REQUIREMENTS; SETTING FORTH "ENTITLEMENT" LEVELS OF DEVELOPMENT; ESTABLISHING THAT GOVERNMENT SERVICES MAY BE APPROVED; ESTABLISHING AN APPEALS PROCESS; PROVIDING THE EFFECT ON THE TRAFFIC PERFORMANCE STANDARDS CODE SHOULD THE PALM BEACH COUNTY FIVE-YEAR ROAD PROGRAM NOT BE ADHERED TO AND IMPLEMENTED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, AND REVIEW IN CONJUNCTION WITH COMPREHENSIVE PLAN

WHEREAS, Chapter 125 (County Government) of Florida Statutes establishes the right and power of Counties to provide for the health, welfare, and safety of existing and future residents by enacting and enforcing among other things, zoning and land development regulations; and

WHEREAS, the Board of County Commissioners, pursuant to Article VII, Section 1(g) of the Florida Constitution is authorized to enact ordinances not inconsistent with general law; and

WHEREAS, Article I, Section 1.1 of the Palm Beach County Charter provides that Palm Beach County is a Home Rule County and has all powers of county self-government; and

WHEREAS, Section 125.01, Florida Statutes empowers counties to perform acts not inconsistent with law, which acts are in the common interest, and exercise all powers and privileges not specifically prohibited by law, including the adoption of comprehensive plans, and zoning and business regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act) of Florida Statutes provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a



1 comprehensive plan, as provided in Section 163.3202(2)(g) of Florida  
2 Statutes; and

3 WHEREAS, the Local Government Comprehensive Planning and Land  
4 Development Regulation Act, as amended, Section 163.3161, et seq.,  
5 Florida Statutes, requires each local government in the State of Florida  
6 to adopt a Comprehensive Plan to guide and control future development,  
7 and authorizes and requires the adoption of land development regulations;  
8 and

9 WHEREAS, the Board of County Commissioners of Palm Beach County  
10 pursuant to the Local Government Comprehensive Planning Act of 1975 and  
11 Chapter 125, Florida Statutes, adopted Palm Beach County Ordinance No.  
12 80-8, establishing a Comprehensive Plan for Palm Beach County; and

13 WHEREAS, the Palm Beach County Comprehensive Plan contains  
14 Performance Standard No. 3, MAJOR THOROUGHFARES, as amended, which  
15 provides: "MAJOR THOROUGHFARES serving a PROPOSED PROJECT shall, during  
16 and upon completion of the PROJECT, not exceed reasonable and safe levels  
17 of service. As the standard, thoroughfares affected by the PROJECT shall  
18 be maintained within the range of LEVEL OF SERVICE 'C', and shall not  
19 exceed the THRESHOLD OF LEVEL OF SERVICE 'D'"; and

20 WHEREAS, the Board of County Commissioners of Palm Beach  
21 County, Florida, now finds and determines that it is in the public's best  
22 interest to set forth specific land development regulations, standards  
23 and procedures to implement the goals policies, objectives, and standards  
24 of the Comprehensive Plan; and

25 WHEREAS, the Local Government Comprehensive Planning and Land  
26 Development Regulation Act has established as the policy of the State of  
27 Florida that necessary public facilities services are available  
28 concurrent with the impact of development; and

29 WHEREAS, the Board of County Commissioners has adopted various  
30 ordinances and policies, which includes negotiated road improvements  
31 required for DEVELOPMENT ORDERS, so-called pipelining of road projects in  
32 conjunction with DEVELOPMENT ORDERS, and so-called pay and go policies to  
33 implement the Comprehensive Plan; and



1 WHEREAS, the means adopted by the Board of County Commissioners  
2 to date have not ensured that adequate roads are in place to ensure safe  
3 levels of service on the major thoroughfare network; and

4 WHEREAS, the Board of County Commissioners of Palm Beach  
5 County, Florida, sitting as the Local Planning Agency, has determined  
6 that these proposed amendments to the Palm Beach County Zoning Code are  
7 consistent with the adopted Comprehensive Plan of Palm Beach County, as  
8 required by Chapter 163, Section 163.3194(2)(a) of Florida Statutes; and

9 WHEREAS, the Board of County Commissioners intends to hereby  
10 adopt reasonable land development regulations in furtherance of the  
11 public benefit while at the same time ensuring that property owners have  
12 a reasonable, beneficial, and economic use of property and that no  
13 property rights be taken; and

14 WHEREAS, the Board of County Commissioners of Palm Beach  
15 County, Florida recognizes that the standards contained in the Traffic  
16 Performance Standards Code are premised on the County's adherence to and  
17 implementation of the Palm Beach County Five-Year Road Program Ordinance  
18 and the failure of the County to adhere to and implement said Ordinance  
19 will result in the suspension of the standards contained in SECTION I of  
20 this Ordinance, as set forth in this Ordinance; and

21 WHEREAS, the Board of County Commissioners finds that:

22 (a) the requirements and standards of this Code are necessary  
23 for the safety of the travelling public and are substantially related to  
24 furthering the public benefit of safe travel,

25 (b) the accident rate resulting in property damage and injury  
26 increases as the congestion increases on MAJOR THOROUGHFARES,

27 (c) fire, rescue, and law enforcement response times increase  
28 as congestion increases on MAJOR THOROUGHFARES; and

29 WHEREAS, development at or below the entitlement levels set  
30 forth herein, and development of small PROJECTS as set forth herein, will  
31 not frustrate the purposes of this Code.

32 NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY  
33 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:



1 SECTION I

2           There is hereby adopted a Traffic Performance Code, set forth  
3 as follows:

4 ARTICLE I SHORT TITLE

5           This Code shall be known as, and may be cited as, the Traffic  
6 Performance Code of Palm Beach County, Florida, hereinafter "Code".

7 ARTICLE II INTENT

8           The Board of County Commissioners of Palm Beach County,  
9 Florida, finds that the safe, convenient, and orderly flow of vehicular  
10 traffic is necessary for the health, safety, welfare, and convenience of  
11 the public. It is the intent of this Code to ensure that roadways are in  
12 place and adequate to provide a LEVEL OF SERVICE that will provide safe,  
13 convenient, and orderly traffic flow.

14           It is the intent of this Code to implement the goals, policies,  
15 objectives and standards of the Palm Beach County Comprehensive Plan,  
16 Performance Standard Number 3 which provides:

17           "MAJOR THOROUGHFARES serving a PROPOSED PROJECT  
18 shall, during and upon completion of the PROJECT, not  
19 exceed reasonable and safe levels of service. As the  
20 standard, thoroughfares affected by the PROJECT shall  
21 be maintained within the range of level of Service  
22 'C', and shall not exceed the THRESHOLD LEVEL OF  
23 SERVICE 'D'".

24 by providing specific standards, and providing guidelines and procedures  
25 for the implementation and enforcement of the standards.

26           The Board of County Commissioners finds that the safe,  
27 convenient, and orderly flow of traffic will be achieved by the standards  
28 set forth herein.

29           The Board of County Commissioners of Palm Beach County,  
30 Florida, intends that, by adopting the standards contained in this Code,  
31 the County is committing to adhere to and implement the Palm Beach County  
32 Five-Year Road Program Ordinance and that the County's failure to  
33 maintain its commitment to adhere to and implement the Palm Beach County  
34 Five-Year Road Program Ordinance shall result in a suspension of the  
35 standards contained in this Code as set forth in this Ordinance.

36           Nothing in this Code shall preclude the Board of County  
37 Commissioners or other authority with the responsibility of issuing  
38 DEVELOPMENT ORDERS from considering traffic, roadway, or PROJECT



1 conditions not specifically addressed under this Code or which are  
2 peculiar to the location, size, configuration, use, or relationship to  
3 the area of the PROPOSED PROJECT or the PROPOSED PROJECT itself.

4 ARTICLE III DEFINITIONS

5 For purposes of this Code, the following terms shall have the  
6 meanings set forth below, unless the context clearly indicates otherwise.

7 APPLICANT - Person seeking a SPECIFIED DEVELOPMENT ORDER.

8 ASSURED CONSTRUCTION - Road Construction Improvements scheduled  
9 to be made to the major thoroughfare system by one or more of the  
10 following means:

11 (A) Inclusion in the adopted Five-Year  
12 County Road Program;

13 (B) Inclusion in the adopted Five-Year  
14 State Department of Transportation Work  
15 Program;

16 (C) An intersection or LINK improvement  
17 for which a contract for construction  
18 which is secured by PERFORMANCE SECURITY  
19 has been executed and which, by its  
20 terms, requires that construction be  
21 completed within six (6) years;

22 (D) A MAJOR INTERSECTION or LINK  
23 improvement which will be constructed  
24 pursuant to a ROAD AGREEMENT; and which,  
25 by its terms, requires that construction  
26 be completed within six (6) years.

27 (E) An intersection or LINK which is  
28 required to be constructed pursuant to a  
29 condition of a DEVELOPMENT ORDER and  
30 which has been secured by PERFORMANCE  
31 SECURITY.

32 (F) Specific inclusion in the capital  
33 improvements element of a municipal  
34 comprehensive plan; or

35 (G) For purposes of certification of an  
36 application for a SPECIFIED DEVELOPMENT  
37 ORDER, an intersection or LINK that the  
38 APPLICANT agrees to construct and  
39 guarantee through a condition of approval  
40 or ROAD AGREEMENT, said construction to  
41 be secured by PERFORMANCE SECURITY.

42 AVERAGE ANNUAL DAILY TRAFFIC - The average of two consecutive  
43 twenty-four (24) hour weekday traffic counts taken at one location, with  
44 one count being taken in the PEAK SEASON and the other in the OFF-PEAK  
45 SEASON. The Traffic Volume Map of the Metropolitan Planning Organization  
46 (MPO) shall normally be used to determine existing AADT for the West Palm  
47 Beach Urban Study Area. However, in all cases, where newer data are



1 available from the Florida Department of Transportation or Palm Beach  
2 County, such newer data shall be used. An APPLICANT may provide a  
3 traffic count or counts which may be used, subject to the approval of the  
4 COUNTY ENGINEER based upon accepted traffic engineering principles,  
5 instead of the counts on the Traffic Volume Map(s) or where such counts  
6 are not available. AVERAGE ANNUAL DAILY TRAFFIC Existing shall be  
7 established by averaging the PEAK SEASON and OFF-PEAK SEASON traffic  
8 counts. The AVERAGE ANNUAL DAILY TRAFFIC established by the counts of  
9 Palm Beach County shall not include Friday counts after eight o'clock AM.  
10 (See Article VI, §2)(B)(5); "Traffic Impact Studies, Significant Impact  
11 Traffic Study, Methodology, Existing Traffic".

12 AVERAGE PEAK HOUR VOLUME - The average of PEAK SEASON and  
13 OFF-PEAK SEASON turning movements.

14 BACKGROUND TRAFFIC - The projected traffic generation from  
15 previously approved but incomplete PROJECTS, as described in Article VI,  
16 §2(B)(8); "Traffic Impact Studies, Significant Impact Traffic Study,  
17 Background Traffic".

18 BUILDING PERMIT - A DEVELOPMENT ORDER under §163.3164, F.S.  
19 issued under the Standard Building Code by the Building Division of  
20 Planning, Zoning and Building authorizing the construction of a  
21 structure.

22 BUILDOUT PERIOD - The anticipated time between the issuance of  
23 the SPECIFIED DEVELOPMENT ORDER and completion of a PROPOSED PROJECT as  
24 approved by the COUNTY ENGINEER in accordance with the standards set  
25 forth in Article VI, §2(B)(4); "Traffic Impact Studies, Significant  
26 Impact Traffic Study, Methodology, Projected Buildout Period"; of this  
27 Code. Completion of a PROJECT shall mean the issuance of the final  
28 certificates of occupancy for buildings in a PROJECT. In the case of a  
29 commercial PROJECT, final certificates of occupancy for interior tenant  
30 improvements for eighty percentum (80%) of the gross leasable area shall  
31 be the completion of the PROPOSED PROJECT for purposes of this Ordinance.

32 CAPTURED TRIPS - Trips generated by a PROPOSED PROJECT which  
33 are passing trips already on the road LINK on which the PROPOSED PROJECT  
34 is located.



1 COUNTY ENGINEER - The Palm Beach COUNTY ENGINEER or his  
2 designee.

3 DEVELOPMENT ORDER - As defined in §163.3164, F.S.

4 DIRECTLY ACCESSED - The LINK(s) that serve as the PROJECT'S  
5 immediate and direct access or means of ingress and egress. Each access  
6 point of a PROJECT shall be considered to have access to at least one  
7 LINK, provided that the access points of a PROJECT may be considered to  
8 share a common LINK. If a given access point is not immediately  
9 connected to a LINK, the first LINK connected shall be the LINK for the  
10 purposes of this Code. If a PROJECT access point is connected to more  
11 than one LINK, PROJECT TRIPS shall be assigned to the LINKS in accordance  
12 with accepted traffic engineering principles.

13 EXECUTIVE DIRECTOR - The EXECUTIVE DIRECTOR of the Palm Beach  
14 County Planning, Zoning and Building Department, or his designee.

15 EXISTING TRAFFIC - Average annual daily traffic.

16 HISTORICAL TRAFFIC GROWTH MAP - A map or maps prepared by the  
17 COUNTY ENGINEER showing the preceding three (3) year's increase or  
18 decrease in AVERAGE ANNUAL DAILY TRAFFIC on various LINKS, based upon  
19 traffic counts and which provide the information to be used in projecting  
20 the BACKGROUND TRAFFIC during the BUILDOUT PERIOD of the PROPOSED  
21 PROJECT.

22 INSIGNIFICANT IMPACT LINK STUDY - A traffic study of any  
23 DIRECTLY ACCESSED LINKS of a proposed INSIGNIFICANT PROJECT.

24 INSIGNIFICANT PROJECT - A PROJECT for which the PROJECT TRIPS  
25 during the BUILDOUT PERIOD of the PROJECT would be less than or equal to  
26 one percentum (1%) of the THRESHOLD LEVEL OF SERVICE D, as set forth in  
27 Table One, on any LINK.

28 LEVEL OF SERVICE - The measure of the functional and  
29 operational characteristics of a roadway based upon traffic volume in  
30 relation to road capacity, as specified in Table 1.

31 LINK - The portion of a major thoroughfare between two major  
32 intersections.

33 MAJOR INTERSECTION - The junction of two or more MAJOR  
34 THOROUGHFARES.



1 MAJOR PROJECT - Any PROJECT, including those within  
2 municipalities, which is:

3 (A) A Development of Regional Impact;

4 (B) A residential PROJECT of 1000 or  
5 more dwelling units;

6 (C) A commercial or industrial PROJECT  
7 of more than 200,000 square feet of gross  
8 building area;

9 (D) Any PROJECT of any type which is  
10 contractually bound to financing or  
11 constructing any portion of a major  
12 thoroughfare which is not site related;  
13 or

14 (E) Any specific school site identified  
15 pursuant to the procedure set forth in  
16 Article IX, §1; "Government Services,  
17 Public Schools"; of this Code.

18 MAJOR PROJECT MAP - A map or maps prepared by the County  
19 Engineer showing the location of all MAJOR PROJECTS in Palm Beach County.  
20 This map or maps shall be prepared within six (6) months of the enactment  
21 of this ordinance and updated as new PROJECTS are approved.

22 MAJOR THOROUGHFARES - MAJOR THOROUGHFARES are:

23 (A) All streets as defined in the  
24 Thoroughfare Right-of-Way Protection Map  
25 of Palm Beach County Ordinance 80-8, as  
26 it may be amended from time to time;

27 (B) All roads that function as arterials  
28 and collector streets as determined by  
29 the COUNTY ENGINEER in accordance with  
30 accepted Traffic Engineering principles;  
31 or

32 (C) All proposed and approved roads that  
33 would, if built, function as arterials  
34 and collectors during the BUILDOUT PERIOD  
35 of the PROPOSED PROJECT as determined by  
36 the COUNTY ENGINEER in accordance with  
37 accepted Traffic Engineering principles.

38 OFF-PEAK SEASON - The time from April 16 through November 30,  
39 inclusive.

40 PEAK SEASON - The time from December 1 through April 15,  
41 inclusive.

42 PERFORMANCE SECURITY - Sufficient funds irrevocably committed  
43 by written instrument to secure complete performance of a contract or  
44 condition of a DEVELOPMENT ORDER or ROAD AGREEMENT in the form (as  
45 approved by the County Attorney) of a:



- (A) Letter of Credit;
- (B) Escrow Agreement;
- (C) Surety Bond;
- (D) Cash Bond; or
- (E) Any other method of comparable security as (A)-(D) approved by the County Attorney

PREVIOUSLY ISSUED DEVELOPMENT ORDER/PREVIOUSLY APPROVED DEVELOPMENT ORDER - A SPECIFIED DEVELOPMENT ORDER issued prior to the effective date of this Code.

PROJECT - A land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a DEVELOPMENT ORDER(s).

(A) For purposes of this Code, the following criteria shall be used to establish whether a particular land use or group of land uses, or land development activity or activities constitutes a single PROJECT subject to the standards of this Code:

(1) Whether the subject property is contiguous to another parcel or parcels owned by the same person. Parcels separated by a right-of-way for an expressway, or a public canal easement or right-of-way more than one hundred forty feet (140') wide, shall not be considered contiguous unless a single application for a SPECIFIED DEVELOPMENT ORDER covering such parcels is submitted by an APPLICANT.

(2) Whether the contiguous parcels are subject to a unified plan of development in one or more of the following ways:

(a) A unified plan of development shall be deemed to exist where the property proposed for development is or will be subject to a permit which also applies to contiguous parcels; such as, but not exclusive to, a surface water management permit from the South Florida Water Management District. If the permit covers some but not all contiguous parcels, those contiguous parcels covered by the permit shall be considered a single PROJECT; or

(b) Shared facilities, such as, but not exclusive to, driveways, parking lots drainage, recreational, open space, or cable television shall indicate a single PROJECT to the extent of such shared facilities, at a minimum; or



1 (c) Condominium documents or other property owner's association  
2 documents covering the contiguous parcels or portion thereof, shall  
3 indicate a single PROJECT; or

4 (d) A common architectural theme for various buildings shall  
5 indicate a unified plan of development.

6 (B) Affiliated corporations, partnerships, or other business  
7 entities shall be deemed to be the same person. Affiliation shall exist  
8 where the same principals own a majority of the interest in the subject  
9 business entities.

10 (C) Applicants shall submit documentation evidencing ownership  
11 of other property within five hundred feet (500'). This documentation  
12 shall be in a form approved by the County.

13 (D) Nothing herein shall prevent the development of a portion  
14 of a parcel owned by one person where no unified plan of development for  
15 the remainder of the parcel, or portion thereof, is evidenced.

16 PROJECT TRAFFIC/PROJECT TRIPS - The number of trips generated  
17 by the PROPOSED PROJECT, less CAPTURED TRIPS. In the event no specific  
18 use, size, or density is proposed, the maximum trip generation possible  
19 under the SPECIFIED DEVELOPMENT ORDER shall be utilized.

20 PROPOSED PROJECT - A PROJECT for which an APPLICANT seeks the  
21 issuance of a DEVELOPMENT ORDER(s).

22 PUBLIC SCHOOL - A land use and attendant buildings operated by  
23 the Palm Beach County school district for educational or training  
24 purposes, as follows:

- 25 (A) Elementary School  
26 (B) Middle School  
27 (C) High School  
28 (D) Vocation or Technical School

29 RADIUS OF DEVELOPMENT INFLUENCE - The area surrounding a  
30 PROPOSED PROJECT as set forth in Table 2 herein, or the area in which the  
31 PROPOSED PROJECT's traffic on MAJOR THOROUGHFARES exceeds one percentum  
32 (1%) of the THRESHOLD LEVEL OF SERVICE D in Table One, whichever covers  
33 the least distance. The distance shall be measured in road miles from  
34 the PROPOSED PROJECT's points of ingress and egress, not as a geometric  
35 radius.



1 ROAD AGREEMENT - An agreement of which the Board of County  
2 Commissioners is a party that assures construction of a major  
3 intersection(s) or LINK(s). It may, among other things, be necessary to  
4 ensure compliance with this Code and may involve commitments of, and  
5 restrictions on, the subject property. All requirements of the agreement  
6 not the responsibility of a governmental entity must be secured by  
7 PERFORMANCE SECURITY and any requirement of a non-governmental entity not  
8 so secured shall not be considered part of the agreement for purposes of  
9 determining whether the work qualifies as ASSURED CONSTRUCTION.

10 SIGNIFICANT IMPACT TRAFFIC STUDY - A traffic study of LINKS and  
11 intersections within the RADIUS OF DEVELOPMENT INFLUENCE of a proposed  
12 SIGNIFICANT PROJECT.

13 SIGNIFICANT PROJECT - A PROJECT for which PROJECT TRIPS during  
14 the BUILDOUT PERIOD of the PROJECT would be more than one percentum (1%)  
15 of the THRESHOLD LEVEL OF SERVICE D, as set forth in Table One, on any  
16 LINK within the RADIUS OF DEVELOPMENT INFLUENCE.

17 SPECIAL APPROVAL - A DEVELOPMENT ORDER issued pursuant to (1)  
18 the SPECIAL EXCEPTION uses listed in the Zoning Code of Palm Beach  
19 County, Florida, (2) Section 615, "Planned Industrial Park District" of  
20 the Zoning Code of Palm Beach County, Florida, or (3) any of the  
21 conditional uses listed in Zoning Resolution Number 3-57.

22 SPECIAL EXCEPTION - A DEVELOPMENT ORDER issued pursuant to the  
23 SPECIAL EXCEPTION uses listed in The Zoning Code of Palm Beach County,  
24 Florida.

25 SPECIAL EXCEPTION SUBDIVISION - A DEVELOPMENT ORDER issued  
26 under Article VI, Section II or Article VI, Part A, Sections I-V of the  
27 Subdivision and Platting Regulations of Palm Beach County, Florida.

28 SPECIFIED DEVELOPMENT ORDER - A DEVELOPMENT ORDER listed in  
29 Article IV, §1; "Applicability, Generally"; including amendments thereto.

30 SUBDIVISION - As defined in Article V of the Subdivision and  
31 Platting Regulations of Palm Beach County, Florida.

32 THRESHOLD LEVEL OF SERVICE D - The AVERAGE ANNUAL DAILY TRAFFIC  
33 volumes as set forth in Table One which is the point at which the LEVEL  
34 OF SERVICE crosses from LEVEL OF SERVICE C to LEVEL OF SERVICE D based on



1 peak hour traffic volume characteristics relative to AVERAGE ANNUAL DAILY  
2 TRAFFIC as generally found in Palm Beach County.

3 THRESHOLD LEVEL OF SERVICE E - The AVERAGE ANNUAL DAILY TRAFFIC  
4 volume as set forth in Table One which is the point at which the LEVEL OF  
5 SERVICE crosses from the range of LEVEL OF SERVICE D to the range of  
6 LEVEL OF SERVICE E based upon peak hour traffic volume characteristics  
7 relative to AVERAGE ANNUAL DAILY TRAFFIC as generally found in Palm Beach  
8 County.

9 TOTAL TRAFFIC - During the BUILDOUT PERIOD of the PROJECT, the  
10 sum of:

- 11 (1) EXISTING TRAFFIC,
- 12 (2) traffic which would be generated by
- 13 the proposed development less
- 14 CAPTURED TRIPS, and
- 15 (3) BACKGROUND TRAFFIC

#### 16 ARTICLE IV APPLICABILITY

##### 17 Section 1. Generally

18 Unless otherwise provided, this Code shall apply to the  
19 SPECIFIED DEVELOPMENT ORDERS listed below.

20 (A) Rezoning from any zoning district to a commercial zoning  
21 district.

22 (B) Rezoning from any zoning district to an industrial zoning  
23 district.

24 (C) Rezoning from any residential district to a higher density  
25 residential district.

26 (D) A SPECIAL APPROVAL for a planned commercial development  
27 (PCD), planned industrial development (PID), or a planned industrial park  
28 development (PIPD).

29 (E) A SPECIAL EXCEPTION for a residential planned unit  
30 development (PUD).

31 (F) A SPECIAL EXCEPTION for commercial or industrial land uses.

32 (G) A SPECIAL EXCEPTION for public, semi-public, or  
33 recreational land uses.

34 (H) A SUBDIVISION or a SPECIAL EXCEPTION SUBDIVISION.



1   Section 2. Previously-approved Development Orders

2                   (A) District Boundary Change - Any application for a SPECIFIED  
3 DEVELOPMENT ORDER on property for which a district boundary change was  
4 granted pursuant to a private petition which was subject to the traffic  
5 performance standards under Section 500.16A of the Zoning Code in effect  
6 prior to the application of this Code shall be subject to this Code only  
7 to the extent the traffic generation projected for the SPECIFIED  
8 DEVELOPMENT ORDER exceeds the projected traffic generation on which the  
9 PREVIOUSLY ISSUED DEVELOPMENT ORDER was based.

10                   (B) Special Approval - Any application for a SPECIFIED  
11 DEVELOPMENT ORDER on property for which a SPECIAL APPROVAL was granted  
12 which was not subject to this Code shall be subject to this Code only to  
13 the extent the traffic generation projected for the SPECIFIED DEVELOPMENT  
14 ORDER exceeds the projected traffic generation on which the PREVIOUSLY  
15 ISSUED DEVELOPMENT ORDER was based, as most recently amended.

16                   (C) Existing Use - Any application for a SPECIFIED DEVELOPMENT  
17 ORDER on property which is presently occupied, used, and generating  
18 traffic shall be subject to this Code only to the extent the traffic  
19 generation projected for the SPECIFIED DEVELOPMENT ORDER exceeds the  
20 traffic generation (as determined in accordance with accepted traffic  
21 engineering principles) of the existing use.

22                   (D) Subdivision - The issuance of a SPECIFIED DEVELOPMENT ORDER  
23 for a SUBDIVISION, or SPECIAL EXCEPTION SUBDIVISION consisting of all or  
24 a portion of a previously-approved SPECIAL APPROVAL, SUBDIVISION, or  
25 SPECIAL EXCEPTION SUBDIVISION, shall not be subject to this Code provided  
26 that there exists a valid County-approved Master Plan or Site Plan and  
27 the previous approval has not expired, or been revoked or abandoned.

28                   (E) Amendments Require Performance Security - Any SPECIFIED  
29 DEVELOPMENT ORDER amending a previously-approved DEVELOPMENT ORDER which  
30 required road construction, right-of-way acquisition, design,  
31 contribution of money, or other improvements to a LINK or MAJOR  
32 INTERSECTION shall have as a condition PERFORMANCE SECURITY to secure the  
33 improvements.

34                   (F) Specified Development Orders - Any application for an  
35 amendment to a SPECIFIED DEVELOPMENT ORDER which was issued after the



1 applicable date of this Code as set forth in SECTION VI, Effective Date  
2 shall be subject to this Code for all PROJECT TRAFFIC generated by the  
3 portion of the PROJECT approved after the effective date of this Code  
4 unless the PROPOSED PROJECT would result in no increase in PROJECT  
5 TRAFFIC.

6 Section 3. Non-applicability

7 (A) Palm Beach County Applications - This Code shall not apply  
8 to district boundary changes initiated by Palm Beach County as part of an  
9 area-wide review and district boundary-change program, and any area-wide  
10 Development of Regional Impact approved which does not authorize actual  
11 construction.

12 (B) Section 402.9 - This Code shall not apply to  
13 Palm-Beach-County-initiated petitions under Section 402.9 "Mandatory  
14 Review of Development Approvals", of the Zoning Code of Palm Beach  
15 County, Florida. Nothing herein shall preclude the review of approvals  
16 under Section 402.9 Mandatory Review of Development Approvals, for  
17 consistency with this Code.

18 (C) Entitlement - The standards of this Code shall not apply to  
19 (1) SPECIFIED DEVELOPMENT ORDERS not exceeding residential entitlement  
20 densities established pursuant to the Comprehensive Plan or (2) SPECIFIED  
21 DEVELOPMENT ORDERS not exceeding non-residential entitlement square  
22 footages established pursuant to this Code.

23 (D) Acts of County Precluding Application - (1) This Code  
24 shall not apply to applications for SPECIFIED DEVELOPMENT ORDERS filed  
25 after the date of applicability set forth in SECTION VI of this Ordinance  
26 when specific acts or omissions of the County which were relied upon by  
27 the property owner effectively precluded the property owner from filing  
28 an approvable application for a SPECIFIED DEVELOPMENT ORDER prior to said  
29 date.

30 (2) Only the Board of County Commissioners may make a  
31 determination of the applicability of this paragraph (D) in a public  
32 meeting upon the advice of the County Administrator and County Attorney,  
33 and only upon application of the property owner. The burden to  
34 affirmatively demonstrate by written evidence the applicability of this  
35 paragraph (D) shall be upon the property owner.



1           (3) In the event this paragraph (D) applies, the application  
2 and SPECIFIED DEVELOPMENT ORDER shall be subject to Ordinance 81-6, as  
3 amended.

4           (E) Estoppel - Nothing herein shall preclude the Board of  
5 County Commissioners from determinating upon the advice of the County  
6 Attorney that an estoppel exists under Florida law, being a substantial  
7 good-faith reliance on a governmental act or omission such that it will  
8 be highly inequitable to apply this Code.

9 Section 4. Vested Rights

10           Notwithstanding the provisions of this Code to the contrary,  
11 the requirements of this Code shall not apply in any manner to impair  
12 vested rights established pursuant to Florida law, to the extent that any  
13 PROJECT, or portion thereof, is vested as against the requirements of  
14 this Code.

15 ARTICLE V STANDARD

16 Section 1. Generally

17           There is hereby established a Traffic Performance Standard for  
18 all MAJOR THOROUGHFARES and MAJOR INTERSECTIONS within Palm Beach County.  
19 Except as specifically provided in this Code, no SPECIFIED DEVELOPMENT  
20 ORDER shall be issued for a PROPOSED PROJECT which would violate this  
21 standard.

22 Section 2. Significant Project Standard

23           (A) LINK Standard

24           (1) Except as specifically provided in this Code, no SPECIFIED  
25 DEVELOPMENT ORDER shall be issued which would, during the BUILDOUT PERIOD  
26 of the PROJECT, result in PROJECT TRAFFIC of more than one percentum (1%)  
27 of the THRESHOLD LEVEL OF SERVICE D, as set forth in Table 1, at any  
28 point on any major thoroughfare LINK within the PROJECT'S RADIUS OF  
29 DEVELOPMENT INFLUENCE, if the TOTAL TRAFFIC on that LINK would result in  
30 an AVERAGE ANNUAL DAILY TRAFFIC volume that exceeds the THRESHOLD LEVEL  
31 OF SERVICE D during the BUILDOUT PERIOD of the PROJECT. For purposes of  
32 this analysis, ASSURED CONSTRUCTION shall be considered.

33           (2) Notwithstanding subparagraph (1) of this paragraph, the  
34 THRESHOLD LEVEL OF SERVICE for Interstate 95 LINKS shall be THRESHOLD  
35 LEVEL OF SERVICE E. Any reference to THRESHOLD LEVEL OF SERVICE D herein



1 as related to LINKS shall mean THRESHOLD LEVEL OF SERVICE E as applied to  
2 Interstate 95 LINKS.

3 (3) The THRESHOLDS of LEVEL OF SERVICE D and E are set forth in  
4 Table 1.

5 TABLE 1

THRESHOLD LEVEL OF SERVICE D  
(AVERAGE DAILY TRAFFIC)

	2-LANE	4 LANE DIVID 5 LANE UNDIV ARTERIAL	6 LANE DIVIDED ARTERIAL	8 LANE DIVIDED ARTERIAL	6 LANE FREEWAY	8 LANE FREEWAY	10 LANE FREEWAY
THRESHOLD LEVEL OF SERVICE D	13,100	30,000	46,400	60,000	95,000	N/A	NA
THRESHOLD LEVEL OF SERVICE E (I-95)	N/A	N/A	N/A	N/A	114,000	152,000	190,000

15 (B) Intersection Standard

16 (1) Except as specifically provided in this Code, no SPECIFIED  
17 DEVELOPMENT ORDER shall be issued which would, during the BUILDOUT PERIOD  
18 of the PROJECT, result in PROJECT TRAFFIC equal to more than ten  
19 percentum (10%) of TOTAL TRAFFIC on an AADT basis on any LINK connecting  
20 a MAJOR INTERSECTION within the PROJECT'S RADIUS OF DEVELOPMENT  
21 INFLUENCE, if the TOTAL TRAFFIC at that intersection would result in an  
22 AVERAGE PEAK HOUR VOLUME that exceeds THRESHOLD LEVEL OF SERVICE D during  
23 the BUILDOUT PERIOD of the PROJECT.

24 (2) For purposes of the intersection standard, compliance with  
25 the THRESHOLD LEVEL OF SERVICE D shall be established using the  
26 operations and design critical movement analysis as defined in  
27 Transportation Research Circular Number 212.

28 (3) If available, the PEAK SEASON and OFF-PEAK SEASON turning  
29 movements shall be used to determine AVERAGE PEAK HOUR VOLUME. If both  
30 season's counts are not readily available, the following factors shall be  
31 used to establish the average turning movement using daily traffic counts  
32 taken at the closest count station between the subject intersection and  
33 the PROPOSED PROJECT:

34 DTP = Daily Traffic Count Taken in Peak Season  
35 DTO = Daily Traffic Count Taken in Off-Peak Season  
36  $F = \text{Peaking Factor} = \frac{DTP - DTO}{DTP}$   
37  
38 Average Turning Movement = Off-Peak Turning Movement x  $[(1+(F/2))]$   
39 Average Turning Movement = Peak Turning Movement x  $[(1-(F/2))]$   
40 If F is negative use zero



(C) Table 2 represents the maximum radius of development influence for specific types of PROPOSED PROJECTS. The actual radius of development influence may be less.

TABLE 2

MAXIMUM RADIUS OF DEVELOPMENT INFLUENCE

LAND USE	DISTANCE
Residential	5 Miles or as required by DRI
Commercial or Industrial	
0 - 49,999 sq. ft.	2 Miles
50,000 - 99,999 sq. ft.	3 Miles
100,000 - 199,999 sq. ft.	4 Miles
200,000 - 399,999 sq. ft.	5 Miles or as required by DRI
400,000 +	5 Miles or as required by DRI
Other Applicable Uses	5 Miles or as required by DRI

(D) Phasing - Phasing may be utilized by the APPLICANT to establish compliance with this standard if the following conditions are met:

(1) The proposed phasing results in the LINKS and intersections of the PROPOSED PROJECT complying with the LINK and intersection standards set forth in paragraphs (A) and (B) of this Section 1 during the BUILDOUT PERIOD of the PROJECT.

(2) The proposed phasing comports with the extent and timing of the ASSURED CONSTRUCTION.

(3) The COUNTY ENGINEER confirms that construction is in fact ASSURED CONSTRUCTION.

(4) For any ASSURED CONSTRUCTION which is to be completed by the APPLICANT, a condition of approval must be imposed or a ROAD AGREEMENT executed and sufficient PERFORMANCE SECURITY must be required.

(5) BUILDING PERMITS for that portion of a SIGNIFICANT PROJECT approved with phasing, which if standing alone would be an INSIGNIFICANT PROJECT, may be issued notwithstanding the SIGNIFICANT PROJECT standard provided that the volume-to-capacity ratio on any LINK within the PROJECT'S RADIUS OF DEVELOPMENT INFLUENCE is not greater than 1.5.

(E) Reliance on Assured Road Construction

(1) If a PROJECT is approved or phased based on ASSURED CONSTRUCTION, BUILDING PERMITS shall be granted for the phase or portion



1 of the PROJECT approved based on the ASSURED CONSTRUCTION no sooner than  
2 the commencement of actual construction.

3 (2) However, if the ASSURED CONSTRUCTION which was relied upon  
4 for the issuance of a SPECIFIED DEVELOPMENT ORDER was included in the  
5 Palm Beach County Five-Year Road Program Ordinance as a County project  
6 and the amount of construction or timing of the construction is  
7 subsequently deleted from the Palm Beach County Five-Year Road Program  
8 Ordinance, BUILDING PERMITS for development that was conditioned on that  
9 particular construction shall be granted, notwithstanding the original  
10 phasing schedule for the deleted construction, as though the road  
11 construction were completed in accordance with the Five-Year Road Program  
12 upon which the SPECIFIED DEVELOPMENT ORDER was based, provided that the  
13 necessary right-of-way has been acquired, the design has been completed,  
14 and the construction is budgeted in the annual budget. This paragraph  
15 (2) shall not apply when the mandatory requirements of F.S.  
16 §163.3202(1)(1987) are effective. For purposes of this paragraph,  
17 "deletion" shall mean the elimination of the construction project, the  
18 material reduction in the scope of construction work or funding thereof  
19 (as it affects the construction project), the postponement of the  
20 construction project in the Five-Year Road Program for more than one year  
21 beyond the year the construction was originally programmed in the 1988-92  
22 Five-Year Road Program or in the Five-Year Road Program in which  
23 construction was first added after 1987, the failure to let a road  
24 construction contract, or the removal of or failure to continue funding  
25 of the construction project; but shall not include construction delays,  
26 design delays, contracting delays, or similar delays.

27 Section 3. Insignificant Project Standard

28 (A) Conditions - An application for an INSIGNIFICANT PROJECT  
29 may be accepted and a SPECIFIED DEVELOPMENT ORDER may be issued provided  
30 that both of the following conditions are met:

31 (1) The volume to capacity ratio (V/C)  
32 on the DIRECTLY ACCESSED LINK(s) does not  
33 exceed 1.5, calculated as follows:

$$34 \quad V/C = \frac{\text{Existing Traffic Volume}}{\text{THRESHOLD OF LOS D as shown}} \\ 35 \quad \quad \quad \text{in Table 1.} \\ 36$$



(2) A fee, in addition to the Fair Share Contribution for Road Improvements Fee is paid in accordance with Table 3. This additional fee shall constitute Fair Share Contribution for Road Improvement funds.

TABLE 3

INSIGNIFICANT PROJECT FEE

		Fee per trip*	
10	V/C Ratio	Residential	Non-residential
11	Less than 1.0	0	0
12	1.0 to less than 1.1	\$4.02	\$1.34
13	1.1 to less than 1.2	8.04	2.68
14	1.2 to less than 1.3	12.05	4.02
15	1.3 to less than 1.4	16.08	5.37
16	1.4 to less than 1.5	20.10	6.70
17	1.5 or greater	No approval, except entitlement	

\*For purposes of calculating the total fee due under this Section 3, "trip" is defined as the total number of trips generated by the PROJECT with no credit or reduction for "CAPTURED TRAFFIC".

(B) No Double Counting - In the event that an APPLICANT for an INSIGNIFICANT PROJECT believes that the INSIGNIFICANT PROJECT fee should be reduced because the destination of traffic generated is also an INSIGNIFICANT PROJECT potentially resulting in double payment, the INSIGNIFICANT PROJECT fee may be reduced if an origin and destination demonstrates double counting.

(C) Phasing - A SPECIFIED DEVELOPMENT ORDER for an INSIGNIFICANT PROJECT may be issued and phased based upon ASSURED ROAD CONSTRUCTION provided the standards in this Section 3 are met and the conditions in Article V, Section 2(D) (2), (3), and (4); "Standard, Significant Project Standard, Phasing"; are met.

ARTICLE VI TRAFFIC IMPACT STUDIESSection 1. Generally

In order to demonstrate that an application for a SPECIFIED DEVELOPMENT ORDER complies with this Code, the APPLICANT shall submit either a SIGNIFICANT IMPACT TRAFFIC STUDY or an INSIGNIFICANT IMPACT LINK STUDY.

Section 2. Significant Impact Traffic Study

(A) Scope - A SIGNIFICANT IMPACT TRAFFIC STUDY shall be required for any proposed SIGNIFICANT PROJECT. It shall address the requirements and standards of this Code; shall be presented concisely



1 using maps whenever practicable; and shall state all assumptions and  
2 sources of information. The form and level of detail required shall be  
3 established by the County Engineer in accordance with accepted traffic  
4 engineering principles.

5 (B) Methodology - The following methods of evaluation,  
6 standards, and information shall be addressed unless the APPLICANT can,  
7 to the satisfaction of the COUNTY ENGINEER, affirmatively demonstrate  
8 that, because of circumstances peculiar to the PROPOSED PROJECT or major  
9 thoroughfare system impacted by the proposed development, other methods  
10 or standards provide a more accurate means to evaluate the LINKS,  
11 intersections, and traffic impact of the PROPOSED PROJECT:

12 (1) Level of Service - The LEVEL OF SERVICE as defined in Table  
13 1 for all MAJOR THOROUGHFARES within the RADIUS OF DEVELOPMENT INFLUENCE  
14 shall be used.

15 (2) Traffic Assignment - The TOTAL TRAFFIC shall be computed,  
16 and traffic assignments of the total PROJECT TRAFFIC made, for each LINK  
17 and MAJOR INTERSECTION within the PROJECT'S RADIUS OF DEVELOPMENT  
18 INFLUENCE in conformity with accepted traffic engineering principles.  
19 The assignments shall cover the BUILDOUT PERIOD of the PROJECT.

20 (3) Radius of Development Influence - The traffic study shall  
21 define the RADIUS OF DEVELOPMENT INFLUENCE.

22 (4) Projected BUILDOUT PERIOD - The projected BUILDOUT PERIOD  
23 of the PROJECT shall be set forth in the study and shall be subject to  
24 the review and approval of the COUNTY ENGINEER, based on the following  
25 criteria:

- 26 (a) The size, type and location of the  
27 PROPOSED PROJECT.
- 28 (b) Customary BUILDOUT PERIODS for  
29 PROJECTS of similar size, type, and  
30 location.
- 31 (c) Any other factors or conditions  
32 relevant to the specific PROJECT,  
33 including special market conditions  
34 and schedules of ASSURED  
35 CONSTRUCTION.

36 (5) Existing Traffic--(ADDT)--AVERAGE ANNUAL DAILY TRAFFIC  
37 shall be used as defined in this Code. Where current data are not



1 available to establish existing AADT, the APPLICANT shall elect one of  
2 the following methods to establish AVERAGE ANNUAL DAILY TRAFFIC:

3 (a) Counts - The APPLICANT may provide traffic counts if  
4 approved by the COUNTY ENGINEER in accordance with accepted traffic  
5 engineering principles. Counts shall be made during any continuous  
6 twenty-four (24) hour period from six (6) o'clock AM, Monday to eight (8)  
7 o'clock PM Friday, except legal holidays, unless otherwise authorized or  
8 required by the COUNTY ENGINEER in accordance with accepted traffic  
9 engineering principles. All data are subject to review and acceptance by  
10 the COUNTY ENGINEER, based upon accepted traffic engineering principles.

11 (b) Factors - Where a PEAK SEASON or OFF-PEAK SEASON traffic  
12 count is not readily available, the following shall be used to obtain the  
13 AVERAGE ANNUAL DAILY TRAFFIC using daily traffic counts (DT) taken at the  
14 closest or most appropriate count station to the subject LINK in  
15 accordance with accepted traffic engineering principles:

16 DTP = Daily Traffic Count Taken in PEAK SEASON  
17 DTO = Daily Traffic Count Taken in OFF-PEAK SEASON  
18  $F = \text{Peaking Factor} = \frac{DTP - DTO}{DTP}$   
19  
20 AVERAGE ANNUAL DAILY TRAFFIC = Off-Peak Volume x  $[(1 + (F/2))]$   
21 AVERAGE ANNUAL DAILY TRAFFIC = Peak Volume x  $[(1 - (F/2))]$   
22 If F is negative use zero

23 (6) Traffic Generation - Traffic generated by the PROJECT shall  
24 be computed in the following manner:

25 (a) ITE - The rates published in the latest edition of the  
26 Institute of Transportation Engineers (ITE) Trip Generation and  
27 Informational Report shall be used unless the COUNTY ENGINEER accepts  
28 that other standards provide a more accurate means to evaluate the rates  
29 of generation based upon documentation supplied by the APPLICANT which  
30 affirmatively demonstrates such based on accepted engineering principles.

31 (b) Local Conditions - The Palm Beach COUNTY ENGINEER shall  
32 publish, and update from time to time, trip generation rates for local  
33 conditions and, if applicable, these rates shall be used instead of the  
34 ITE rates.

35 (c) Similar Developments - Actual traffic counts which  
36 establish the generation rate at three (3) similar developments located  
37 in similar areas as the one proposed may be used if approved by the  
38 COUNTY ENGINEER in accordance with accepted traffic engineering



1 principles. These counts shall be made for the weekdays (excluding legal  
2 holidays) as set forth in paragraph (5) for each site and averaged.

3 (7) Captured Trips - It is acknowledged that some trips  
4 generated by a proposed non-residential PROJECT are from existing traffic  
5 passing the PROPOSED PROJECT and are not newly generated trips. Credit  
6 against the trip generation of the PROPOSED PROJECT may be taken for  
7 these trips up to the percentage shown in Table 4. The study must detail  
8 (1) all traffic generated from the PROJECT and the turning movements, and  
9 (2) the number of CAPTURED TRIPS subtracted from the traffic generated by  
10 the PROJECT, during the BUILDOUT PERIOD of the PROJECT. Uses other than  
11 those listed below, and any percentage credit proposed to be taken in  
12 excess of that shown in Table 4, must be justified based on accepted  
13 traffic engineering principles to the satisfaction of the COUNTY ENGINEER  
14 as part of the required traffic study, based upon the peculiar  
15 characteristics and location of the PROPOSED PROJECT. Factors which  
16 should be considered in determining a different capture rate include type  
17 and size of land use, location with respect to service population,  
18 location with respect to competing uses, location with respect to the  
19 surrounding major thoroughfare system, and existing and projected traffic  
20 volumes.

21 TABLE 4

22 PERCENT OF CAPTURED TRIPS FROM PASSING TRAFFIC

23 Shopping Centers more than 400,000 square feet	20%
24 Shopping Centers 100,000 - 400,000 square feet	25%
25 Shopping Centers less than 100,000 square feet	35%
26 Supermarkets	25%
27 Hardware Stores	5%
28 Convenience Stores	40%
29 Fast Food Restaurants, Cocktail Lounges/Bars	30%
30 Restaurants	15%
31 Banks, Savings & Loans	20%
32 Day Care Centers	10%
33 Service Stations, Car Washes	50%
34 Offices	0%
35 Industrial, Warehouses	0%

36 (8) Background Traffic

37 (a) Generally - Existing traffic volumes will likely increase  
38 or decrease during the BUILDOUT PERIOD of the PROPOSED PROJECT. The  
39 traffic study must account for this increase or decrease in traffic based  
40 on BACKGROUND TRAFFIC during the BUILDOUT PERIOD of the PROPOSED PROJECT.  
41 The projection of BACKGROUND TRAFFIC shall be based upon the information



1 set forth on the HISTORICAL TRAFFIC GROWTH RATE MAP and the map of MAJOR  
2 PROJECTS, and shall be established in accordance with the requirements  
3 set forth in this Code and accepted engineering principles. This change  
4 in traffic shall be shown as it relates to the proposed phasing.

5 (b) Historical Growth Maps. Using the HISTORICAL TRAFFIC  
6 GROWTH MAPS of the COUNTY ENGINEER, the study shall PROJECT the increase  
7 or decrease in traffic volumes based on BACKGROUND TRAFFIC within the  
8 PROPOSED PROJECT'S RADIUS OF DEVELOPMENT INFLUENCE during the BUILDOUT  
9 PERIOD of the PROPOSED PROJECT. The effect of MAJOR PROJECTS shall be  
10 considered in projecting the increase or decrease in traffic volumes.

11 (c) Major Project Maps. Using the MAJOR PROJECT maps, all  
12 traffic from the unbuilt portion of MAJOR PROJECTS approved prior to the  
13 PROPOSED PROJECT'S traffic study which will add more trips than ten  
14 percentum (10%) of the THRESHOLD LEVEL OF SERVICE D within the PROPOSED  
15 PROJECT'S RADIUS OF DEVELOPMENT INFLUENCE during the BUILDOUT PERIOD of  
16 the PROPOSED PROJECT shall be specifically accounted for in projecting  
17 BACKGROUND TRAFFIC. No double counting of trips shall occur, and the  
18 historically derived projections shall be adjusted based upon the impact  
19 of MAJOR PROJECTS. Only the traffic generated from the unbuilt portions  
20 of the MAJOR PROJECTS as set forth above which are projected to be built  
21 during the BUILDOUT PERIOD of the PROPOSED PROJECT shall be considered.

22 (d) Background Traffic - The projection of BACKGROUND TRAFFIC  
23 during the BUILDOUT PERIOD of the PROPOSED PROJECT shall be based upon,  
24 and subject to the review and approval of the COUNTY ENGINEER, using the  
25 following criteria:

- 26 (i) historical growth shown on maps of  
27 COUNTY ENGINEER
- 28 (ii) characteristics of growth in the  
29 RADIUS OF DEVELOPMENT INFLUENCE
- 30 (iii) extent of existing, approved, and  
31 likely development in the radius of  
32 development influence
- 33 iv) types and sizes of development in the  
34 area
- 35 (v) traffic circulation in the area
- 36 (vi) MAJOR PROJECTS impact
- 37 (vii) new and assured road construction.

38 (9) Assured Construction - ASSURED CONSTRUCTION shall be  
39 considered completed as scheduled for the purpose of preparation of the  
40 study. Whether it is in fact ASSURED CONSTRUCTION and the timing of the



1 ASSURED CONSTRUCTION shall be subject to the confirmation of the COUNTY  
2 ENGINEER.

3 (10) Project Phasing - The traffic study may reflect a  
4 proposed phasing schedule for the development of the PROPOSED PROJECT.  
5 This schedule shall address the time at which each phase will place  
6 traffic impacts on the MAJOR THOROUGHFARES within the RADIUS OF  
7 DEVELOPMENT INFLUENCE and shall include the following:

8 (a) Generation - Project traffic figures and assignments for  
9 each proposed phase; and

10 (b) Assured Construction - Where the evaluation of phased  
11 traffic impact includes the effect of ASSURED CONSTRUCTION, sufficient  
12 information regarding the proposed construction to ensure that the  
13 roadways realistically will be constructed at the times stated.

14 (11) Intersection Analysis - All MAJOR INTERSECTIONS within  
15 the PROPOSED PROJECT's RADIUS OF DEVELOPMENT INFLUENCE to which the  
16 PROPOSED PROJECT would, if approved, add more than ten percentum (10%) of  
17 TOTAL TRAFFIC on an AADT basis for any LINK of the MAJOR INTERSECTION  
18 during the BUILDOUT PERIOD of the PROJECT shall be analyzed as follows:

19 (a) Circular 212 - The analysis shall be based on the  
20 Transportation Research Circular Number 212, using critical movement  
21 analysis (the operation and design method).

22 (b) Assured Construction - The intersection analysis shall  
23 include only existing or ASSURED CONSTRUCTION as it relates to  
24 intersections.

25 (c) Peak Hours - Generally, the study shall address the  
26 critical movement analysis during both the AM and PM peak hours unless  
27 traffic characteristics dictate that only one of the peak hours be  
28 analyzed. In those cases, the COUNTY ENGINEER may still require analysis  
29 of other peak hours where indicated by accepted traffic engineering  
30 principles. The total peak hours analyzed shall not exceed two (2) in  
31 number.

32 (12) Compliance - The analysis must demonstrate compliance  
33 with the standards contained in Article V, §2(A) and (B); "Standard,  
34 Significant Project Standard, Link Standard, Intersection Standard".



1           (13) Professional Services - The traffic study for  
2 SIGNIFICANT PROJECTS shall be prepared, sealed and signed by a qualified  
3 professional engineer, licensed to practice in the State of Florida.

4 Section 3. Insignificant Impact Link Study

5           A traffic study for a proposed INSIGNIFICANT PROJECT shall be  
6 required for only the DIRECTLY ACCESSED LINKS. Such study shall comply  
7 with the standards and requirements for a SIGNIFICANT IMPACT TRAFFIC  
8 STUDY set forth in Section 2 above to the extent necessary to establish  
9 the PROJECT'S trip generation and the volume to capacity ratio on the  
10 DIRECTLY ACCESSED LINKS.

11 Section 4. Site Related Improvements

12           In addition to the LINK and intersection standards and studies,  
13 the peak hour(s) turning movements shall be shown and analyzed using the  
14 design and operations critical movement analysis in Circular 212 for all  
15 points where the PROJECT'S traffic meets the DIRECTLY ACCESSED LINKS or  
16 other roads. No credit shall be taken for CAPTURED TRIPS in this  
17 analysis. Recommendations shall be made concerning signalization and  
18 turn lanes and the County may require such to ensure the safe and orderly  
19 flow of traffic.

20 Section 5. Conditions

21           The SPECIFIED DEVELOPMENT ORDER shall contain such conditions  
22 as are necessary to ensure compliance with this Code. The Board of  
23 County Commissioners and departments issuing SPECIFIED DEVELOPMENT ORDERS  
24 are authorized to impose such conditions. The Board of County  
25 Commissioners and departments may require that a ROAD AGREEMENT be  
26 executed prior to the issuance of the SPECIFIED DEVELOPMENT ORDER.  
27 PERFORMANCE SECURITY shall be required to ensure compliance with the  
28 conditions or performance under the ROAD AGREEMENT. The ROAD AGREEMENT  
29 or conditions of approval shall be binding on the owner, its successors,  
30 assigns, and heirs; and it, or notice thereof, shall be recorded in the  
31 Official Records of the Clerk of the Circuit Court in and for Palm Beach  
32 County, Florida.



1 ARTICLE VII PROCEDURE

2 Section 1. Required Submission of Impact Study

3 (A) Prior to Application - Prior to acceptance of any  
4 application for a SPECIFIED DEVELOPMENT ORDER one of the following must  
5 be provided:

6 (1) Documentation sufficient to establish that the application  
7 is not subject to this Code pursuant to Article IV, Section 2;

8 "Applicability, Previously-approved Development Orders"; or

9 (2) Documentation sufficient to establish that the Code does  
10 not apply to the application pursuant to Article IV, Section 3;

11 "Applicability, Non-applicability"; or

12 (3) A SIGNIFICANT IMPACT TRAFFIC STUDY; or

13 (4) An INSIGNIFICANT IMPACT LINK STUDY.

14 (B) Review by County Engineer - The COUNTY ENGINEER shall  
15 review the information submitted pursuant to paragraph (A) and determine  
16 whether the PROPOSED PROJECT complies with this Code, unless a letter of  
17 determination has already been issued finding that the PROPOSED PROJECT  
18 meets the requirements of this Code pursuant to Section 2 of this Article  
19 and the application has been timely filed pursuant to Section 3 of this  
20 Article.

21 (1) In the case of all SPECIFIED DEVELOPMENT ORDERS issued by  
22 the Board of County Commissioners after review by the Planning  
23 Commission, no application shall be certified for inclusion on the  
24 Planning Commission agenda if issuance of the SPECIFIED DEVELOPMENT ORDER  
25 would be prohibited by this Code.

26 (2) In the case of SUBDIVISIONS or SPECIAL EXCEPTION  
27 SUBDIVISIONS, no application shall be certified for inclusion on the  
28 Subdivision Review Committee agenda if issuance of the SPECIFIED  
29 DEVELOPMENT ORDER would be prohibited by this Code.

30 (C) Determinations of the COUNTY ENGINEER made pursuant to  
31 paragraph (B) must be in writing and any denial shall state the reasons  
32 thereof. Determinations of denial may be appealed pursuant to Article X;  
33 "Appeals"; of this Code.



1 Section 2. Optional Submission of Impact Study

2 (A) Prior Review/Partial Review - Prior to submitting an  
3 application for a SPECIFIED DEVELOPMENT ORDER, a person may submit a  
4 SIGNIFICANT IMPACT TRAFFIC STUDY or an INSIGNIFICANT IMPACT LINK STUDY to  
5 the COUNTY ENGINEER for a determination that the PROPOSED PROJECT does or  
6 does not meet this Code. Additionally, a person may submit only the LINK  
7 or intersection component of a SIGNIFICANT IMPACT TRAFFIC STUDY for a  
8 determination that the submitted component indicates that the PROPOSED  
9 PROJECT does or does not meet this Code.

10 (B) Determination of County Engineer - Within fifteen (15)  
11 working days of receipt of the study, the COUNTY ENGINEER shall issue a  
12 written determination concluding one of the following:

13 (1) The PROPOSED PROJECT does not violate the traffic standards  
14 of this Code; or

15 (2) The PROPOSED PROJECT does not meet the requirements of this  
16 Code, including the detailed reasons for this conclusion; or

17 (3) The information submitted is insufficient for the COUNTY  
18 ENGINEER to determine the PROPOSED PROJECT'S compliance with this Code.  
19 Such a conclusion shall include a request for the specific information  
20 needed to enable the COUNTY ENGINEER to determine the PROPOSED PROJECT'S  
21 compliance with this Code.

22 (C) Additional Information - Within fifteen (15) days of  
23 receipt of any letter from the COUNTY ENGINEER requesting additional  
24 information, the person submitting the traffic study shall either (1)  
25 submit the additional information or (2) notify the COUNTY ENGINEER in  
26 writing that the requested additional information will not be submitted.  
27 Within fifteen (15) working days of receipt of any additional information  
28 or notification that no additional information will be submitted, the  
29 COUNTY ENGINEER shall issue a written determination pursuant to paragraph  
30 (B) above. Any subsequent request for additional information shall be  
31 limited only to information needed to clarify the additional information  
32 or answer new questions raised by, or directly related to, the additional  
33 information.

34 (D) Determination of Non-Compliance - Within twenty (20) days  
35 of receipt of a letter stating the PROPOSED PROJECT does not meet the



1 requirements of this Code, the person submitting the study may submit  
2 additional information addressing the reasons listed in the COUNTY  
3 ENGINEER'S letter, or may appeal the County Engineer's determination  
4 pursuant to Article X; "Appeals". If additional information is provided,  
5 the COUNTY ENGINEER shall, within fifteen (15) working days of receipt of  
6 the additional information, issue a new determination stating that the  
7 PROPOSED PROJECT meets the requirements of this Code or detailing the  
8 reasons why the PROPOSED PROJECT does not meet the requirements of this  
9 Code. This new determination letter is appealable pursuant to Article X;  
10 "Appeals"; of this Code.

11 (E) Determination Where Insufficient Information - If the  
12 person submitting the study has notified the County Engineer that no  
13 additional information will be provided pursuant to Paragraph (C) and the  
14 COUNTY ENGINEER then issues a written determination that the information  
15 submitted is insufficient for the COUNTY ENGINEER to determine the  
16 PROPOSED PROJECT'S compliance with this Code, the person submitting the  
17 study may appeal the COUNTY ENGINEER'S determination pursuant to Article  
18 X; "Appeals"; of this Code.

19 (F) Extension of Time - The time limits contained in paragraphs  
20 (B) and (C) may be extended by the mutual consent in writing of the  
21 COUNTY ENGINEER and the person submitting the request for determination.

22 Section 3. Effect and Duration of Determination that Proposed Project  
23 Complies with this Code

24 (A) Sixty Days - If, pursuant to Article VII, Section 2;  
25 "Procedure, Optional Submission of Impact Study"; the COUNTY ENGINEER  
26 issues a letter determining that a PROPOSED PROJECT meets the  
27 requirements of this Code, or if the COUNTY ENGINEER issues a letter  
28 finding a PROPOSED PROJECT does not meet the requirements of this Code  
29 and that determination is reversed on appeal, no additional traffic  
30 information shall be required to be submitted with any application for a  
31 SPECIFIED DEVELOPMENT ORDER filed within sixty (60) days of the  
32 determination that the PROPOSED PROJECT meets the requirements of this  
33 Code and the application shall be certified based on this determination.  
34 The APPLICANT shall include with the application for a SPECIFIED  
35 DEVELOPMENT ORDER the traffic study and any additional information



1 submitted pursuant to Article VII, Section 2, and the determination  
2 letter or order on appeal.

3 (B) Partial Determination - Paragraph (A) shall not apply if  
4 the COUNTY ENGINEER'S letter of determination was based only on the LINK  
5 or intersection component of a SIGNIFICANT IMPACT TRAFFIC STUDY.  
6 However, the determination of the COUNTY ENGINEER as to the submitted  
7 component shall be binding on the County for sixty (60) days from the  
8 date of determination and no additional information on that component  
9 shall be required if an application for a SPECIFIED DEVELOPMENT ORDER is  
10 filed within the sixty (60) days.

11 ARTICLE VIII ENTITLEMENT

12 Section 1. Generally

13 The Board of County Commissioners recognizes that a reasonable  
14 and beneficial economic use of property should be afforded a property  
15 owner. This Article is intended to allow a reasonable and beneficial  
16 economic use of property while minimizing trip generation.

17 Section 2. Residential

18 A SPECIFIED DEVELOPMENT ORDER may be issued for a residential  
19 PROJECT not exceeding entitlement densities set forth in the Palm Beach  
20 County Comprehensive Plan, provided the order is otherwise consistent  
21 with the requirements of the Comprehensive Plan and land development  
22 regulations of Palm Beach County.

23 Section 3. Non-Residential

24 (A) Generally - A SPECIFIED DEVELOPMENT ORDER may be issued for  
25 a non-residential use, notwithstanding the standards set forth in this  
26 Code, in accordance with this Section 3.

27 (B) Commercial - Land with commercial potential designation  
28 pursuant to the Palm Beach County Comprehensive Plan may have a SPECIFIED  
29 DEVELOPMENT ORDER issued which does not exceed twenty-five percentum  
30 (25%) of the maximum square footage of floor area permitted under the  
31 Zoning Code; provided, that, retail uses shall be limited to fifteen  
32 percentum (15%) of the maximum square footage of floor area permitted  
33 under the Zoning Code, and the subject parcel shall not exceed ten (10)  
34 acres in size.



1 (C) Industrial - Land with industrial potential designation  
2 pursuant to the Comprehensive Plan may have a SPECIFIED DEVELOPMENT ORDER  
3 issued which does not exceed twenty-five percentum (25%) of the maximum  
4 square footage of floor area permitted under the Zoning Code.

5 Section 4. Discretion of Board

6 The Board of County Commissioners may exceed the percentage of  
7 floor area and acreage limitations set forth herein upon a determination  
8 by the Board that the limitations permitted would likely constitute a  
9 taking of land for public use for which compensation would have to be  
10 paid pursuant to law. This Section 4 may only be exercised upon the  
11 special petition of the property owner to the Board of County  
12 Commissioners which affirmatively demonstrates by substantial competent  
13 evidence that no other economically feasible land use which would  
14 generate less traffic for the subject property is available because of  
15 (1) this Code, (2) the nature of the land uses in the area, (3) the size  
16 and configuration of the property, and (4) any other relevant factors.  
17 The Board of County Commissioners shall receive the advice of the County  
18 Attorney and EXECUTIVE DIRECTOR of Planning, Zoning, and Building, and  
19 any other person it deems appropriate in exercising its discretion under  
20 this Section 4.

21 ARTICLE IX GOVERNMENT SERVICES

22 Section 1. Public Schools

23 (A) Criteria - A SPECIFIED DEVELOPMENT ORDER may be issued for  
24 a PUBLIC SCHOOL notwithstanding any other provisions in this Code to the  
25 contrary, provided the following requirements are met:

26 (1) The School Board has submitted to Palm Beach County a plan  
27 showing the general locations, or, if known, the specific location, of  
28 necessary school sites;

29 (2) (a) The COUNTY ENGINEER has commented on the location(s)  
30 of the schools within sixty (60) days. If comments are not submitted  
31 within sixty (60) days, then the coordination requirements of paragraph  
32 4, below, shall be deemed to be fulfilled;

33 (b) If the specific site is identified in the plan submitted  
34 pursuant to paragraph 1, above, the School Board shall have submitted a  
35 preliminary traffic study setting forth the trip generation of the school



1 and assigning trips for purposes of designating the site as a MAJOR  
2 PROJECT. The effect of the MAJOR PROJECT designation shall be the  
3 "reservation of capacity" for the school site. If the specific site  
4 location is changed, the School Board shall have notified the COUNTY  
5 ENGINEER and a new preliminary traffic study shall have been submitted if  
6 a new specific site is selected;

7 (3) The location plan shall have been updated and resubmitted  
8 no less frequently than annually; and

9 (4) Efforts have been made to coordinate the timing of the  
10 school construction and its location with the County's Five Year Road  
11 Program Ordinance or other means of road construction.

12 (B) Conditions - The Palm Beach County School Board shall not  
13 be required to fund improvements to the major road system but funding for  
14 site related improvements may be required.

15 (C) Other Consideration - Nothing in this Section shall  
16 preclude consideration of a specific school site under Section 2, below.

17 Section 2. General Government Services

18 The Board of County Commissioners may issue a SPECIFIED  
19 DEVELOPMENT ORDER for governmental services and proprietary services of a  
20 governmental entity notwithstanding the standards and requirements of  
21 this Code where the Board of County Commissioners has made a finding that  
22 there is a compelling public need for the SPECIFIED DEVELOPMENT ORDER  
23 being issued for the specific service at the specific location and  
24 unsuccessful efforts have been made to locate the use in a practical area  
25 having a less severe impact on the major road system.

26 Section 3. Relocation of Land Use to Accomplish Government Services

27 The Board of County Commissioners may issue SPECIFIED  
28 DEVELOPMENT ORDERS for land uses which have been required to relocate to  
29 accommodate governmental services and proprietary services of a  
30 governmental entity notwithstanding the standards and requirements of  
31 this Code whenever the Board determines that compliance with this Code  
32 would result in additional costs to the governmental entity.



1 Section 4. Demonstrated Public Purpose

2           The Board of County Commissioners may, by an extraordinary vote  
3 consisting of a majority plus one of the Board of County Commission  
4 members, issue a SPECIFIED DEVELOPMENT ORDER for a PROJECT which involves  
5 the expenditure of public funds notwithstanding the standards and  
6 requirements of this Code where the Board of County Commissioners has  
7 made a finding that there is a manifestly demonstrated public purpose for  
8 the SPECIFIED DEVELOPMENT ORDER being issued for the PROJECT at the  
9 specific location and alternative locations having a less severe impact  
10 on the major road system are not practically available, and the Board of  
11 County Commissioners finds that, through a balancing of public interests,  
12 the public benefit of the PROJECT outweighs the detriment to the  
13 functioning of the road system.

14 ARTICLE X APPEALS

15 Section 1. Board

16           Except as specifically provided in this Code, appeals from the  
17 decisions of the COUNTY ENGINEER shall be taken to an appeals board  
18 consisting of the Director of the Metropolitan Planning Organization, the  
19 EXECUTIVE DIRECTOR of Planning, Zoning and Building, or their designees,  
20 and a professional traffic engineer serving another governmental entity  
21 as a traffic engineer. In the event that a traffic engineer of another  
22 governmental entity is not available, a private traffic engineer may  
23 serve. Any individual serving on the appeals board shall not be a person  
24 who participated in the decision being appealed.

25 Section 2. Request/Notice

26           The appeal shall be requested in writing within twenty (20)  
27 days of the decision of the COUNTY ENGINEER. The written request for the  
28 appeal shall state the reasons therefor. The appellant shall be given  
29 written notice of the date, time, and place of the appeal board's  
30 consideration of the appeal.

31 Section 3. Hearing

32           (A) Burden of Proof - The appellant shall present all relevant  
33 information to the appeals board. The appellant shall have the burden of  
34 affirmatively demonstrating that the decision of the COUNTY ENGINEER was  
35 in error. The COUNTY ENGINEER shall be entitled to present information.



1 (B) Decision - The appeals board shall base its decision on the  
2 requirements of this Code and accepted engineering principles. It shall  
3 make its decision by an affirmative vote and state the reasons for the  
4 decision. A decision shall be rendered within sixty (60) days of receipt  
5 of the written request for appeal.

6 Section 4. Appeal from Appeals Board

7 The decision of the appeals board may be appealed in writing to  
8 the Board of County Commissioners by either the appellant or the COUNTY  
9 ENGINEER within twenty (20) days of the decision. Consideration shall be  
10 limited to the record established before the appeals board. The Board of  
11 County Commissioners may overturn, modify, or uphold the decision of the  
12 appeals board or remand the matter for further review. The Board of  
13 County Commissioners may overturn or modify the decision of the appeals  
14 board only by majority vote plus one of the members of the Board of  
15 County Commissioners. The decision of the Board of County Commissioners  
16 shall be based on this Code and accepted traffic engineering principles  
17 and shall be rendered within sixty (60) days of the receipt of the  
18 written request for appeal.

19 SECTION II. Five Year Road Program

20 ARTICLE I INTENT

21 The Board of County Commissioners of Palm Beach County,  
22 Florida, finds that the Traffic Performance Code adopted by SECTION I of  
23 this Ordinance is premised on the County's commitment to adhere to and  
24 implement the adopted Palm Beach County Five-Year Road Program Ordinance  
25 (referred to as "Five Year Road Program" in this SECTION II). The  
26 County's failure to maintain its commitment to adhere to and implement  
27 its adopted Five-Year Road program as set forth in this SECTION II shall  
28 result in a suspension of the standards contained in SECTION I of this  
29 Ordinance. It is the intent of the Board of County Commissioners that  
30 once a proposed project is approved and phased based on assured  
31 construction in the County's Five-Year Road Program pursuant to SECTION I  
32 of this Ordinance, the applicant and any successors in interest have the  
33 right to rely on the County's commitment to implement its five year  
34 program. The County's failure to implement its program shall not



1 prohibit the approved project's building construction notwithstanding the  
2 original phasing, as set forth in this Ordinance.

3 ARTICLE II DESCRIPTION OF FIVE-YEAR ROAD PROGRAM

4 The Five-Year Road Program was adopted by the Board of County  
5 Commissioners of Palm Beach County by Ordinance No. 85-40. In that  
6 ordinance, the County adopted a reasonably attainable program of roadway  
7 construction for a five year period and matched the construction of  
8 projects with available funding. Ordinance No. 85-40 further provides  
9 that prior to December of each year, the Commission shall amend the  
10 Ordinance to modify the list of projects to create a viable list of  
11 funded projects for the succeeding five years.

12 The modification to the Five-Year Road Program shall continue  
13 to include, at a minimum, a description of the Road project, the type of  
14 road construction required, and the amount of money to be spent each  
15 fiscal year for plan preparation, right-of-way acquisition, and actual  
16 construction.

17 ARTICLE III MONITORING OF COUNTY'S ADHERENCE TO AND IMPLEMENTATION OF  
18 THE ADOPTED FIVE-YEAR PROGRAM

19 Section 1. Generally

20 The County's adherence to and the effectiveness of its  
21 implementation of the adopted Five-Year Road Program shall be monitored  
22 by the Independent Five-Year Road Program Oversight and Advisory Council.  
23 (Referred to as "Oversight and Advisory Council" in this Article III)

24 Section 2. Independent Five-Year Road Program Oversight and Advisory  
25 Council

26 (A) Council - An Independent Five-Year Road Program Oversight  
27 and Advisory Council is hereby created and established, consisting of  
28 nine (9) members. One member shall be selected from each of the six (6)  
29 disciplines listed below so that all the disciplines are represented, and  
30 appointed by the Board of County Commissioners of Palm Beach County:

- |    |     |                                      |
|----|-----|--------------------------------------|
| 31 | (1) | construction management              |
| 32 | (2) | civil engineering                    |
| 33 | (3) | operations research/systems analysis |
| 34 | (4) | finance/certified public accounting  |
| 35 | (5) | economist                            |
| 36 | (6) | legal or general business            |



1 Three members shall be selected from the general public; one  
2 from each of the following geographic areas:

3 (1) North Palm Beach County - bounded on the West by State Road  
4 7 and a line being the projection north of the centerline of State Road  
5 7; bounded on the South by Southern Boulevard.

6 (2) South Palm Beach County - bounded on the West by State Road  
7 7 and on the North by Southern Boulevard.

8 (3) West Palm Beach County - bounded on the East by State Road  
9 7.

10 The members shall be appointed at large by a majority vote of  
11 the County Commissioners, and shall be County residents. They shall  
12 serve two (2) year terms; provided that the initial term only of the  
13 members from construction management, civil engineering, operations  
14 research/systems analysis, finance/certified public accounting, and North  
15 Palm Beach County shall be one (1) year.

16 (B) Purpose and Functions:

17 The purpose of the Oversight and Advisory Council is to  
18 function both as a resource for the County Engineer and the County  
19 Commission in matters of the Five-Year Road Program implementation; to  
20 detect potential problems with County road building programs; to  
21 recommend to the County Commission suggested corrective actions relating  
22 to any such problems so identified; and to strengthen the confidence of  
23 the public and industry of Palm Beach County in the road transportation  
24 improvement program;

25 (C) Activities:

26 To implement the functions stated in paragraph (B) above, the  
27 members of the Oversight and Advisory Council are directed:

28 (1) To aid in the development of policies, procedures, and  
29 programs for use by the County Engineer for implementation of the  
30 Five-Year Road Program. This activity shall be completed prior to  
31 starting the other activities.

32 (2) To monitor the progress of road construction.

33 (3) To monitor the collection and expenditure of all road  
34 revenues, including impact fees.



1           (4) To monitor whether the preparation of plans for  
2 right-of-way acquisitions and abandonments is on schedule.

3           (5) To monitor whether the preparation of plans for road and  
4 bridge construction is on schedule.

5           (6) To prepare and submit status reports to the County  
6 Commission.

7           (7) To analyze and submit reports to the County Commission  
8 regarding actual as compared to planned performance.

9           (8) Monitor the impact of this Ordinance on the level of  
10 development activity by comparison to other communities.

11          (9) To perform such other duties as the County Commission shall  
12 direct; provided that the Oversight and Advisory Council shall not be  
13 involved in recommending changes to, or the adoption of, the annual Five  
14 Year Road Program or the management of the Engineering Department.

15           (D) Administration

16          (1) The Office of the County Administrator shall provide such  
17 administrative staff and assistance as is required for the Council to  
18 perform its duties and functions.

19          (2) All County departmental directors shall cooperate with the  
20 Council to the fullest extent.

21           (E) Reports:

22          (1) The County Engineer shall submit a report by January 10,  
23 April 10, July 10 and October 10 each year to the Oversight and Advisory  
24 Council detailing the status of the County's implementation of its  
25 adopted Five-Year Road Program. This report shall contain a detailed  
26 report on the status of each project in the Five-Year Road Program,  
27 including the proposed commencement and completion dates of all  
28 programmed activities within each quarter of each fiscal year and the  
29 likelihood of meeting those dates.

30          (2) The Oversight and Advisory Council shall meet quarterly  
31 after receipt of the report of the County Engineer and shall submit a  
32 report by May 30, and November 30 of each year to the County Commission  
33 detailing its findings on the County's implementation of the adopted  
34 Five-Year Road Program and the general effectiveness of the County's road  
35 building efforts.



1 Section 3. Review of the Independent Five-Year Road Program Oversight  
2 and Advisory Council

3 The need for, and tasks of, the Oversight and Advisory Council  
4 shall be reviewed five (5) years after the effective date of this  
5 Ordinance.

6 ARTICLE IV MODIFICATION OF FIVE-YEAR ROAD PROGRAM

7 Section 1. Semi-annual Modification of Five-Year Road Program  
8 Extraordinary Vote

9 The deletion of construction projects from the Five-Year Road  
10 Program may be done no more frequently than twice a year. An  
11 extraordinary vote of a majority plus one of the Board of County  
12 Commission members shall be required to delete from or delay a project  
13 for more than one year in the adopted Five-Year Road Program.

14 For purposes of this SECTION II, "deletion of a construction  
15 project" shall mean the elimination of the construction project, the  
16 failure to let a road construction contract, the removal of or failure to  
17 establish funding of the construction project, the material reduction in  
18 the scope of work or funding (as it affects the construction project), or  
19 the postponement of the construction project in the Five-Year Road  
20 Program for more than one year beyond the year the construction was  
21 originally programmed in the 1988-92 Five-Year Road Program or in the  
22 Five-Year Road Program in which the construction was first added after  
23 1987. It does not include delays associated with right-of-way  
24 acquisition as a result of judicial decision, redesign after the contract  
25 has been let, construction, or other delays not under the control of the  
26 County.

27 Only three (3) votes of the members of the Board of County  
28 Commissioners shall be required to initially adopt those portions of the  
29 1988-89 Five Year Road Program which would bring the construction  
30 schedule of the 1988-89 Five Year Road Program into conformity with the  
31 now-existing construction schedule.

32 Section 2. Finding Required Prior to Deleting Projects in the Adopted  
33 Five-Year Road Program

34 Prior to approving the deletion of any construction project  
35 from the County's Five-Year Road Program, the County Commission must find  
36 that the deletion of the construction project will not result in any link



1 or intersection on the road network operating at greater than Threshold  
2 Level of Service D as defined in this Ordinance if such link or  
3 intersection would not have operated at greater than Threshold Level of  
4 Service D as defined in this Ordinance had the project been constructed  
5 as originally programmed in the adopted Five-Year Road Program and that  
6 no project which was approved and phased based upon such ASSURED  
7 CONSTRUCTION would be denied BUILDING PERMITS because of the deletion of  
8 the construction.

9 ARTICLE V STANDARDS REQUIRED FINDING THAT COUNTY IS ADHERING TO AND  
10 IMPLEMENTING ITS ADOPTED FIVE-YEAR ROAD PROGRAM

11 Concurrent with the adoption of the annual Five-Year Road  
12 Program, the Board of County Commissioners shall determine whether the  
13 County has adhered to and implemented its Five-Year Road Program. In  
14 order to make the determination that the County had adhered to and  
15 implemented its adopted Five-Year Road Program required by Article IV,  
16 Section 2 of this SECTION II, the County Commission must find the  
17 following based upon substantial competent evidence:

18 (A) Projects on Schedule - Fewer than twenty percentum (20%) of  
19 the programmed road construction projects (on a line item basis) from the  
20 preceding fiscal year over which the County has control are more than  
21 twelve (12) months behind schedule; and

22 (B) Funding - The funding of the current fiscal year and the  
23 immediate preceding fiscal year of the Five-Year Road Program exceeds  
24 thirty million dollars (\$30,000,000) and fifty percentum (50%) of that  
25 money is programmed for actual construction.

26 ARTICLE VI EFFECT OF FAILURE OF COUNTY TO ADHERE TO AND IMPLEMENT IT'S  
27 ADOPTED FIVE-YEAR ROAD PROGRAM

28 If the County Commission can not affirmatively determine  
29 compliance with the standards contained in Article V of this SECTION II,  
30 the Traffic Performance Code of Palm Beach County, adopted by SECTION I  
31 of this Ordinance, shall be suspended as to any new proposed project  
32 until such time as the Board of County Commissioners is able to  
33 affirmatively determine compliance with the standards contained in  
34 Article V of this SECTION II.

35 During any period when the Code as adopted in Section I of this  
36 Ordinance is suspended, any newly proposed project shall be evaluated



1 pursuant to the standards contained in Ordinance 81-6, as amended.

2 SECTION III Repeal of Laws in Conflict

3 All local laws and ordinances applying to the unincorporated  
4 area of Palm Beach County in conflict with any provisions of this  
5 ordinance are hereby repealed, except Ordinance 81-6, as amended.  
6 Ordinance 81-6 remains in effect but shall only apply to applications for  
7 specified development orders as set forth in SECTION VI of this Ordinance  
8 and to applications for specified development orders submitted when  
9 SECTION I of this Ordinance is suspended pursuant to SECTION II of this  
10 Ordinance.

11 SECTION IV Severability

12 If any section, paragraph, sentence, clause, phrase, or word of  
13 this Ordinance is for any reason held by the Court to be  
14 unconstitutional, inoperative or void, such holding shall not affect the  
15 remainder of this ordinance.

16 SECTION V Inclusion in the Code of Laws and Ordinances

17 The provisions of this Ordinance shall become and be made a  
18 part of the Code of Laws and Ordinances of Palm Beach County, Florida.  
19 The Sections of this Ordinance may be renumbered or relettered to  
20 accomplish such, and the words "ordinance", "article", "section,"  
21 "subsection", "paragraph", or "subparagraph" may be changed to any other  
22 appropriate word to accomplish codification.

23 SECTION VI Effective Date

24 The provisions of this ordinance shall become effective upon  
25 receipt of acknowledgement by the Secretary of State, and shall apply to  
26 all specified development orders for which application was made after May  
27 21, 1987.

28 SECTION VII Review in Conjunction with Comprehensive Plan

29 This Ordinance shall be reviewed, if necessary, upon the  
30 County's adoption of its Comprehensive Plan pursuant to the requirements  
31 of the Local Government Comprehensive Planning and Land Development  
32 Regulation Act, §163.3161, F.S.



1 APPROVED AND ADOPTED by the Board of County Commissioners of  
2 Palm Beach County, Florida, on the 22nd day of September, 1987.

3 PALM BEACH COUNTY, FLORIDA, BY ITS  
4 BOARD OF COUNTY COMMISSIONERS

5 By [Signature]  
6 Chairman

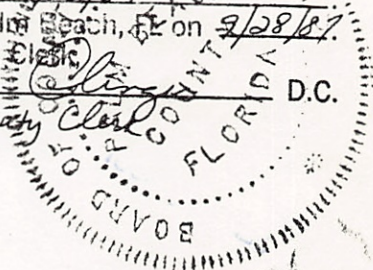
7 APPROVED AS TO FORM AND  
8 LEGAL SUFFICIENCY

9 [Signature]  
10 County Attorney

11 Acknowledgement by the Department of State of the State of  
12 Florida, on this, the 24th day of September, 1987.

13 EFFECTIVE DATE: Acknowledgement from the Department of State  
14 received on the 25th day of September, 1987, at 10:12  
15 A.M., and filed in the Office of the Clerk of the Board of County  
16 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk, of the  
Board of County Commissioners, certify this to  
be a true and correct copy of the original filed in  
my office on 9/22/87.  
DATED at West Palm Beach, FL on 9/28/87.  
JOHN B. DUNKLE, Clerk  
By: [Signature] D.C.  
Deputy Clerk



1881 e s

ORDINANCE  
ENCLOSURE